

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:20 MJ 53 WCM**

UNITED STATES OF AMERICA,)	
)	
v.)	ORDER
)	
THOMAS NAKIA BELLAMY)	
)	
Defendant.)	
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This matter is before the Court on the Government's Motion to Dismiss (Doc. 9), which requests that the Court dismiss the criminal Complaint pending against Defendant without prejudice. Defendant was scheduled to make an initial appearance in this matter on March 19, 2021. The Government was represented at that hearing by Special Assistant United States Attorney Alexis Solheim. Assistant Federal Public Defender Fredilyn Sison was present as duty counsel for the defense. Defendant did not appear.

Ms. Sison advised that Defendant had been in state custody, was released, was taken into custody in the Eastern District of North Carolina, and received a hearing under Rule 5, but apparently was not given a specific date and time to appear in this district.

The Government advised that Defendant likely was not given a date to appear as the Government had announced its intention to seek a dismissal of

the case. The Government did not request the issuance of a bench warrant or ask that Defendant's initial appearance be rescheduled, in light of the pending Motion to Dismiss. The Government also advised that the alleged victim identified in the Complaint had been notified of the Government's Motion and did not wish to be present at any court proceedings.

Ms. Sison likewise indicated that she did not believe it was necessary to reschedule Defendant's initial appearance.

Both the Government and Ms. Sison agreed that the undersigned has jurisdiction to rule on the Motion and Ms. Sison, on Defendant's behalf, did not object to the granting of the Motion.

Accordingly, the Government's Motion to Dismiss (Doc. 9) is **GRANTED**, and the Complaint is **DISMISSED WITHOUT PREJUDICE**.

It is so ordered.

Signed: March 19, 2021

A handwritten signature in black ink, reading "W. Carleton Metcalf", written over a horizontal line.

W. Carleton Metcalf
United States Magistrate Judge

